

Montague Conservation Commission

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MEETING MINUTES

Thursday, May 9, 2013 – 6:30 pm

Second Floor Meeting Room, Town Hall, One Avenue A, Turners Falls, MA

Commissioners Present: Mark Fairbrother, Deb Picking, Donna Francis and Addie Holland

Commissioners Absent: Justin Fermann, Sean Werle

Staff Present: Walter Ramsey- Agent

Mark Fairbrother called the meeting to order at 6:30 PM

Approval of Minutes: Approval of February 14, 2013, March 14, 2013 was tabled till next meeting. No minutes were approved.

6:30 Public Meeting: Request for Determination #2013-01 filed by Albert R. Stegemann & Timothy Meyer Mass Department of Transportation - Greenfield Road Reconstruction (South Section).

The proposed project will occur entirely within the Town of Montague Highway Layout also known as Greenfield Road from Turners Falls Road to the Railroad. Resource areas adjacent to the proposed work include Bordering Vegetated Wetlands, Land Under Water, Bank, Floodplain and Riverfront associated with the Sawmill River, Hatchery Brook and several other unnamed perennial and intermittent water courses.

Guests: Timothy Meyer (MassDOT), John Mastera (MassDOT Project Designer).

Mr. Meyer presented the project which includes:

- Work will be done by MassDOT in the summer of 2013 or 2014.
- Full depth reclamation with asphalt stabilization.
- A short length profile with asphalt adjustment.
- Installing asphalt burn, and sub drains but NO culverts.
- Guardrails and end treatments will be installed.
- Pavement marking, sidewalks, crosswalks and wheelchair ramps.
- Erosion controls are being proposed in the form of hay bales and silt fencing. Erosion control is layed out in the plans.
- The alignment and width of the roadway will not change and there will not be any new storm water discharge to the resource areas.
- The work is within the FEMA flood plain, but the road itself is above the floodplain level. It was determined that the roadway itself, at final grade will be will be just above that 150 foot elevation mark. Since the floodway will not be affected it will not fall under 310 CMR 1057 1A and 1B. This project will not eliminate or change the floodplain in the Greenfield Road area.
- There will not be any material brought in except for an area pointed out by Tom Bergeron, DPW Superintendant which is located around Ferry Road and heads a bit south on that road. This area near Ferry Road will be raised by 10 inches due to saturation and then filled with some new materials after the reclaiming process is finished.
- There is a location near the railroad tracks and the pond where the road drops down into the wetland area. Due to this, there is not a lot of clearance for the proposed work. In this area they

will only be doing loam and seeding so that the minimum space allotted will fit within these erosion control parameters.

Mr. Mastera elaborated on the pavement Reclaiming Process:

- The project will use the reclaiming process which takes the existing asphalt and dirt and grinds it up in a single pass. Then a grader and roller come in and smooth and pack the area.
- This treatment is then followed by another reclaimer with nozzle attachments that will spray the asphalt down to seal it. This is finished by a smooth top coat.
- This process of reclaiming helps to minimize the inconvenience to the town and residents while providing an efficient process to repave the road. Another option that was considered is the hot in place method – this method was used in Amherst but it does not provide a good mix of asphalt so it will not be used here. Another method is called cold in place – this method takes up the soil and puts it into a mixture tank with the asphalt and then into a paver.

Walter Ramsey noted:

- Mark Beubien, owner of the Montague Mill (Bookmill) has been consulted on the plan presented by MassDOT as he has a vested interest in the impact on the Bookmill, and their patrons. There will be a new proposed sidewalk and crosswalk near the entrance of the bridge into the Bookmill complex.
- MassDOT falls under the NHESP exemption due to them being within 4 feet of the road thus the project will not be alternating any drainage. The NHESP habitat is located at the southern end of the Bookmill (Sawmill River) where there are wood turtles.
- Work in the riverfront area as well as maintenance or excavation of any structure or road clearing, driveway, landscape or utility line that is owned by a political subdivision within riverfront areas that were in existence prior to 1996 maintenance of those structures is allowed. This is limited to resurfacing, replacing or repairing of the roads. MassDOT does not have to file a NOI for work in the riverfront area due to this provision, if the commission finds that there will be no impact to the resource areas.

The Board discussed and generally agreed that that this maintenance project will have no new impact on any of the resource areas.

Motion made by Deb Picking to issue a determination that the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Thus, the said work does not require the filing of a Notice of Intent. Seconded by, Donna Francis. ***Motion passed unanimously.***

6:50PM PUBLIC MEETING: Request for Determination #2013-02 filed by Leslie Matilainen to construct a 10x11 deck and egress in the rear of the house located at 6 Newton Street Millers Falls, MA (Assessors Map 29 Lot 9). Resource areas adjacent to the proposed work include riverfront associated with the Millers River and an unnamed intermittent stream.

Guests: Leslie Matilainen, homeowner

Leslie Matilainen's property is located within 200 feet of the Millers River on Newton Street in Millers Falls. The culvert exits under Leslie's garage and has a bank and buffer along with river frontage. The egress from the house is missing stairs. Leslie would like to put back the stairs and a deck both structures had existed in the past (8 feet from the door). The project will not be impacting the bank of the exposed stream.

Mark F. believes the river starts over by Senn's (Rte 63 and Grout Circle) and then it is culverted under Millers Falls.

Walter R stated that there is a clear exemption under the Riverfront Act 310 CMR 10 §10.586 exemption to convert lawn to shed, deck, patio or similar things that would be considered an accessory to a single family home if the house was built prior to 1996. The structure also has to be located 50 feet from the mean and the high water area of a riverfront and BVW area. During the project sediment and erosion controls have to be used. The real question comes down to if the culvert that is exposed from the applicants' garage is a perennial or intermittent stream. The general consensus was that there is not sufficient information to make that determination, nor was the commission asked to make that determination. The criteria of intermittent vs. perennial are laid out in 310 CMR 10.58(2) (2) (1) (a-f). It is important to note that only a river defined as perennial can have a regulatable Riverfront area. There was previous NOI upstream that included a determination. The NOI should be reviewed.

The Commissioners reviewed the deck plans which were very difficult to understand in current form. The erosion control plan was not clear either. There were too many open ended questions to make a decision at this point.

Leslie M. requested that the meeting be continued.

Leslie is required to come to the next Conservation Commission meeting with a new set of well drawn plans (to scale) including elevation and plan view drawings, concrete measurements, the location, size and placement of sono tubes based on MA building codes along with what contractor will be doing the job. A site visit will be done by the Commissioners in the next week or so.

It was announced to continue the Request for Determination #2013-02 filed by Leslie Matilainen to construct a 10x11 deck and egress in the rear of the house located at 6 Newton Street Location in Millers Falls, MA to the next Conservation Commission meeting to be held on June 13, 2013 at 6:30 PM. Meeting Continued.

Correspondence

- Yearly Operational Plans received for the 2013 Post Emergent Vegetation Management Plan from Pan Am Railways, Inc. and New England Central Railways, Inc.
The 5 year plan was approved by a past RDA. They are required by law to inform the Commission when they are doing vegetation management. The pesticides they will be using are Polaris and Aquaneat. The Conservation Commission offers no comments in response.
- Update on Thomas Memorial Golf Country Club (TMCC) NOI #2013-01 regarding mitigation.
The agent conducted a site visit with Mark Sicard of Thomas Memorial Country Club. The purpose was to determine precisely where the mitigation areas are at the course. Initially the proposal consisted of 3 areas to mitigate. After another look it was determined that was not feasible and instead the plan now consists of a new strip along a healthy wetlands ecosystem along with two smaller areas. This is more area (8,523 square feet of mitigation) than originally was approved by the Commission. Since the April Conservation Commission meeting Mark Sicard has received a letter from the Army Core of Engineers stating that TMCC needs to file a category one permit for dredging a waterway in the United States. The Army Core of Engineers is concerned with archeological issues and the effect of this on Short Nose Sturgeon surrounding this project. Mark F. brought up the possibility that the pond eventually flows into the waste water treatment plant where the fish could not survive, and therefore TMCC maybe not have to file with the Army Core of Engineers. Mark will follow up with the Treatment Plant and Walter will correspond with Army Corps and the applicant.

- Mullen Rule – This law was adopted recently by Town meeting, at the request of the Conservation Commission.

Motion made by Addie Holland to adopt the Mullen Rule (Mass General Law Chapter 39 Section 23 D) that was voted on at Town Meeting on May 20, 2013. Seconded by, Mark Fairbrother.
Motion passed.

Topics not anticipated

- Walter R reported that the Commission received initial notification that there is an upcoming Mass Highway project located on Montague City Road that will affect Solar Ave to Masonic Ave. The project is to do a build out to accommodate a crosswalk/bikeway for a safe transit area in the Farren Care Center block. The project will take place adjacent to a perennial stream that goes into the waste water treatment plant so it will take place in a riverfront and there will have to be an RDA filed at a later date.

Motion made by Mark Fairbrother to adjourn the meeting. Seconded by, Addie Holland ***Motion passed.***

Meeting adjourned at approximately 8:04 PM

Approved by: _____ Date: _____